

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ORDER

Defendants' Motions to Dismiss (**Docs. 7 & 9**) are **DENIED**. The Motions do not challenge the sufficiency of Plaintiff's pleadings, but, rather, they address the merits of Plaintiff's declaratory judgment claims. *See* Defs.' Brs. (Docs. 8 & 9). The same 12(b)(6) standards apply in declaratory judgment actions as in any other type of case, and Defendants cannot properly rely on merits-based arguments to demonstrate that the Complaint does not state a plausible claim upon which relief may be granted. *See generally, e.g.,* Interlink Grp. Corp. USA, Inc. v. Am. Trade & Fin. Corp., 2013 WL 1811898, *4 (D. N.J. Apr 25, 2013) (holding same).

Denial of the Motions notwithstanding, the Court does wonder how much more will be required in this case before the parties' merits-based arguments properly can be adjudicated. At the initial scheduling conference, which will be established by separate order, counsel should be prepared to discuss how this case may be resolved in an efficient and cost-effective manner.

IT IS SO ORDERED.

April 10, 2014

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record